

Appeal: 15-4640 Doc: 53 Filed: 06/15/2018 Pg: 1 of 2

FILED: June 15, 2018

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 15-4640  
(4:15-cr-00010-BO-1)

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JOSEPH DECORE SIMMS

Defendant - Appellant

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O R D E R

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The parties are directed to file supplemental briefs, not to exceed 20 pages, addressing how *Sessions v. Dimaya*, 138 S. Ct. 1204 (2018), affects the parties' arguments on appeal. The briefs should also address the following two issues:

- (1) In reviewing a defendant's conviction under 18 U.S.C. § 924(c)(1)(A), should a court use the categorical approach to determine whether the defendant committed a crime of violence within the meaning of 18 U.S.C. § 924(c)(3)(B)?
- (2) Is 18 U.S.C. § 924(c)(3)(B) unconstitutionally vague in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015), and *Sessions v. Dimaya*, 138 S. Ct. 1204

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(2018)?

The briefs shall be filed on or before July 10, 2018.

For the Court

/s/ Patricia S. Connor, Clerk